**UNIVERSITY OF NEW BRUNSWICK**

**FACULTY OF EDUCATION**

**ED 3051 (McNutt): SCHOOL LAW AND ORGANIZATION**

**April 4, 2011, FINAL EXAM**

**………………………………………………………………………………………**

**This exam is divided into three parts**

1. **Multiple choice and true/false questions (13 points)**
2. **Short answer informational ( 17 points)**
3. **Short answer opinion question (5 points)**

**This exam constitutes 35 points of the total of your final grade for this course.**

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**PLEASE READ THESE INSTRUCTIONS CAREFULLY:**

* **You have 3 days to complete this exam (Monday, April 4, 9:00 pm to Thursday, April 8, 9:00 pm).**
* **Save this exam to your desk top, complete, save and send it back to me by email.**
* **You may do the exam with others but must submit the names of all who worked together on the final version. I will need to know who worked with whom in order to credit all participants accordingly. All joint participants will receive the same mark for this exam.**
* **Give brief precise answers in your own words.**
* **Do not copy out great chunks of the textbook or notes.**
* **Use the information to answer the questions BRIEFLY.**
* **Do not repeat the question in your answer.**
* **Use point form wherever practical.**
* **Lecture notes on the Wiki, class notes and other written material may be used.**

**Please state your name(s) and UNB Student number(s).**

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**Part A: Multiple choice and true or false questions**

For each of the multiple choice questions, bold and underline the appropriate responses.

1. A child is able to testify under oath when that child:

a) understands the nature of an oath or a solemn affirmation

b) is able to communicate the evidence

c) promises to tell the truth

d) both a and b

1. Every one is under a legal duty to provide necessaries of life to a person under his charge unless that person is unable, by reason of

a) mental disorder

b) illness

c) age

d) lack of motivation

e) a, b and c only

1. The particular legal status of children involves:

a) restrictions

b) unlimited freedom

c) reduced responsibility

d) both a and c

1. Who does not have legal access to student records?

a) a prospective employer

b) a non-custodial parent

c) school district personnel

d) all of the above

1. Who has the broadest powers regarding search and seizure of student property?

a) police

b) parents

c) guidance personnel

d) school officials

e) both b and d

1. Due process requires, in connection with a suspension of 10 days or less, that the student be given:

a) oral or written notice of the charges

b) an explanation of the evidence the authorities have, if charge is denied

c) an opportunity to present his side of the story, if charge is denied

d) all of the above

**True or False (1point each)**

For each question, write “true” or “false” on the line before the question.

1. \_\_\_\_\_\_\_\_\_\_\_\_ There are detailed provincial statutes and regulations that govern the employment of children during school hours.
2. \_\_\_\_\_\_\_\_\_\_\_\_\_ Children can directly sue or be sued.
3. \_\_\_\_\_\_\_\_\_\_\_\_ Schools and teachers are only responsible for students during the regular school hours.
4. \_\_\_\_\_\_\_\_\_\_\_\_\_ A child playing on school equipment after school hours is considered a trespasser in “the eye of the law”.
5. \_\_\_\_\_\_\_\_\_\_\_\_\_ Even if found negligent, a teacher will never have to pay money for damages out of his or her own pocket.
6. \_\_\_\_\_\_\_\_\_\_\_\_ The standard of care required of gymnastics instructors goes well beyond that of the careful and prudent parent.
7. \_\_\_\_\_\_\_\_\_\_\_\_ Ignoring student reports of injuries could make a court award against a teacher likely.

**Part B: Short answer informational (17 points)**

Part B questions appear in roughly sequential order and are based on Chapters 13 through 19 and the Youth Criminal Justice Act.

1. Schools are increasingly being thought of as a vehicle not only for detecting child abuse but also for preventing it.  What must teachers and schools do if child abuse is suspected? **2 points**
2. Briefly describe two types of child abuse and a sign that child abuse might be present in each case. **4 points**
3. .List and state the significance of 2 major principles that have been added to the Youth Criminal Justice Act that were not included in the earlier statute known as the Young Offenders Act. **2 points**
4. No resident child of school age can be turned away from school, regardless of any disability.
   1. What is the name of this principle? **1 point**
   2. What is the commonly used name for the New Brunswick policy that covers programs of instruction for students with disabilities? **1 point**
   3. List three of the classifications that exist to define a special-needs child. **1 point**
5. What is the difference between student welfare rights and student option rights? Demonstrate your understanding of the difference by giving an example of each. **2 points**
6. List and briefly define the four elements which must be present for there to be negligence. **4 points**

**Part C: Short answer opinion questions**

1. Teachers must take particular care to avoid or rectify situations in which they might find themselves negligent. Using the *five exemplary cases* materials that were distributed through the course Wiki as a guideline, describe a hypothetical case of teacher negligence in which all four elements are present. Then, addressing each of the elements, tell how the charge of teacher negligence could have been avoided.  **5 points**
2. The NBTA Power Point presentation on the last day of class contained points of advice that might be summed up as the golden rules of conduct for teachers. State at least three of those “golden rules” as you remember them.

**3 BONUS! points and have a great break before your next course!**